

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Cornelia Calderone, Chair, Joseph Sieber,
Vice Chairman, and Frank Serico, Member

From: Gerald Yarbrough, Executive Secretary
Board of Review

Subject: Minutes of the February 15, 2006
Board of Review Meeting

Date: February 21, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, February 15, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, February 22, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair
Mr. Sieber, Vice Chair
Mr. Serico, Member
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the February 8, 2006 meeting were approved.

3. Old Business

(a) 89, 777

Ms. Gagliardo presented this case of a claimant who was referred to jobs by an employment agency. The claimant went on a maternity leave of absence and was terminated by the client employer. The claimant was offered work by the employment agency when she was able to work. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a) and N.J.S.A. 43:21-5(c) and eligible for benefits under N.J.S.A. 43:21-4(c). After discussion, the Board voted to affirm the Appeal Tribunal.

4. New Business

(a) 91, 329

Ms. Abrunzo described this case that involved a claimant who performed services for a friend that owned a business during the time she received unemployment benefits, and later accepted work with the friend. The Appeal Tribunal had held the claimant eligible for benefits under N.J.S.A. 43:21-4(c) and not liable to refund benefits. The Board noted that the Appeal Tribunal did not correctly address the evidence and crucial testimony is not on the record. As a result, the Board voted to remand the case for additional testimony from the Deputy. Ms. Abrunzo will prepare the remand.

(b) 92, 869

As presented by Ms. Abrunzo, this case involved a claimant who contends she was discharged by the employer and did not voluntarily leave work. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a), but disqualified under N.J.S.A. 43:21-5(b). The Board noted that the employer was not given the opportunity to present firsthand testimony and voted to remand the case for firsthand testimony from the employer. Ms. Abrunzo will prepare the remand.

(c) 95, 021

As described by Mr. Gitter, this case involved a claimant who went on vacation and did not return to work on the scheduled date. The Appeal Tribunal had held the claimant disqualified under N.J.S.A. 43:21-5(a). After discussion, the Board voted to affirm the Appeal Tribunal.

(d) 94, 712

Ms. Keller presented this case of a claimant who was absent from work and did not contact the employer each day she was absent. The Appeal Tribunal had held the disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the record of the hearing was not completely audible and voted to remand the case for additional testimony regarding the claimant's separation as well as for the Appeal Tribunal to examine pertinent documents. Ms. Keller will prepare the remand.

5. Public Portion

Mr. Hugh O'Hare, Chief Appeal Examiner, discussed methods to improve the work quality of the Appeal Tribunal.

There being no further business to transact, a motion was made by Mr. Serico to adjourn the meeting. Mr. Sieber seconded the motion.

SUBMITTED FOR APPROVAL:

Gerald Yarbrough
Executive Secretary

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